

APPROVED: Meeting No. 41-87

ATTEST: *Kelen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 23-87

May 11, 1987

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, May 11, 1987, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman James Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In Attendance: City Manager Richard V. Robinson, City Clerk Carol A. Kachadoorian, and City Attorney Paul Glasgow.

Re: Invocation

The invocation was provided by Maria Kasparian, a participant in the City's Student Government Days program.

Re: City Manager's Report

City Manager Richard Robinson reported the following items:

1. The proposed Maximum Expansion Limits agreement worked on during the past year by the City, Montgomery County and the Park and Planning Commission is available to the public this evening. Also, late this afternoon, the City receive a letter from Norman Christeller proposing some changes to the agreement. A copy of the letter from Mr. Christeller will be made available to the Mayor and Council as soon as possible. It is expected that the proposed agreement will be provided

to the Park and Planning Board and to the Montgomery County Executive before going to the County Council. It is suggested that the agreement be referred to the Planning Commission by the Mayor and Council.

2. A traffic order was signed to control student parking in the neighborhood surrounding Wootton High School. This traffic order was at the request of neighborhood residents and it is in lieu of a more restrictive permit parking program. Councilman Coyle asked the City Manager to make sure that all of the streets surrounding the High School that were identified for having parking problems were contacted about the program.

3. The Montgomery County Department of Transportation is identifying sites for parking lots near the Rockville Metro Station. Information on potential sites was included in the City Manager's Various Items Memo of May 8, 1987, along with other information on the Eisinger-Kilbane parking lot. Staff hopes to provide the Mayor and Council with a recommendation in the near future.

4. Last Thursday and Friday, May 7 and 8, the Senior Management Team held its annual retreat on the City's Strategic Management program. A written report on the retreat will be provided in Various Items.

5. The Montgomery County Public School Board will hold a public hearing on Wednesday, May 27, 1987, on the proposed transfer of the Ritchie Park Elementary School from the Wootton High School cluster to the Richard Montgomery High School cluster. The Mayor and Council may wish to offer testimony at the hearing. Councilman Duncan thanked City Manager Robinson and the rest of staff for working hard on the M.E.L. agreement. Councilman Duncan stated that it is the most important land use agreement in the City's history, as it guarantees planning advancement of the City. Councilman Duncan stated that he looks forward to the agreement being adopted.

Councilman Coyle requested that the full proposed budget for fiscal year 1988 be made available to those who have requested the budget, not just the executive summary. City Manager Robinson reported that staff is currently in the second printing of the full budget and will make it available to those who have requested a copy.

Mayor Van Grack introduced Cub Scout Troop #943, present at this evening's meeting.

Re: Mayor's Report

Mayor Van Grack reported the following:

1. Mayor Van Grack praised staff for their efforts on the proposed M.E.L. agreement.
2. Mayor Van Grack commended the City Manager's staff for their fine efforts in Rockville Day that was held on May 10, 1987.
3. Mayor Van Grack reported on the Governors visit of May 5, 1987. The Mayor noted that as a result of the meeting with the Governor regarding Town Center, he is asking the City Manager to do a number of things in the Town Center area. First, fill in the lot of the storm water management project that was begun by Hadid. Second, provide some type of activity on the tennis court, and publicize activities in the Town Center. In addition, it was suggested that a Town Center development group be established to meet with the Mayor and Council in order to identify potential development activities for the area. Thirdly, the City will make a formal request to the Governors office for a regional office to be located in the Town Center. Fourth, the City should revise its business brochure so that State officials can use it as they promote business in the state. Finally, it is important to convey to the State the alternative sites considered for the Lincoln Park vehicular bridge.

Councilman Coyle congratulated Mayor Van Grack and others who participated in the meeting with the Governor for the fine job that was done. Councilman Coyle stated that it was a proud day for the City of Rockville.

Councilman Duncan noted that there is an item in the proposed fiscal year 1988 Capital Improvement Program budget for an activity for the tennis court as well as other items of beautification in the Town Center area.

Councilman Abrams commended Robert Goodin, Director of Public Works, for handling a sewer line break on Saturday, May 9, 1987, in the afternoon. Councilman Abrams suggested that the City establish a weekend procedure for other such emergency situations so that it is not always necessary to call the Director of Public Works. In addition, Councilman Abrams asked if there is anything to report on the recent visit by the Justice Department regarding the charges of discrimination by the City Manager towards certain employees. The City Manager stated that the meeting was a preliminary one, considered an assessment of the situation by the Justice Department. City Manager Robinson was asked by Justice Department officials not to comment any further on the meeting, however, he stated that the Justice Department is not involved in an investigation of the City.

Councilman Duncan asked if there will be an assessment done of the situation as the City requested of the State. The City Manager responded that he is not sure whether or not the State will conduct the assessment. City Attorney Paul Glasgow stated that it is premature to make a judgement at this time about what the Justice Department will do. Instead, it is necessary for the City to wait until the Justice Department has completed their assessment.

Re: Presentation

Rosalie Campbell, Chairman of Rockville Seniors, Incorporated, presented a check from RSI to the Mayor and Council. The check, in the amount of \$8,000.00, is

intended to carry on the work of the seniors at the Senior Center. Mayor and Council thanked Mrs. Campbell for the check.

Re: Proclamation:
Rockville Poppy Day
May 25, 1987

There being no objection from the Council, Mayor Van Grack proceeded to issue a proclamation that proclaimed May 25, 1987, as Rockville Poppy Day. Mayor Van Grack read the proclamation in which it was urged that all citizens participate in this commemoration for all those who have died in the cause of liberty and justice through the years. A representative of the American Legion, Laura Glasgow, presented poppy's to the Mayor and Council and to the audience.

Re: Proclamation:
Municipal Clerk Week
May 10 - 16, 1987

There being no objection from the Council, Mayor Van Grack proceeded to issue a proclamation that proclaimed May 10 through May 16, 1987 as Municipal Clerk Week. Mayor Van Grack read the proclamation in which it urged that all Municipal Clerk's participate in special events of the week, emphasizing the relationship of their office to the overall operations of local government and the role the municipal clerk has within its structure. City Clerk Carol A. Kachadoorian received the proclamation.

Re: Proclamation:
Small Business Week
May 10 - 16, 1987

There being no objection from the Council, Mayor Van Grack proceeded to issue a proclamation that proclaimed May 10 through May 16, 1987 as Small Business Week. Mayor Van Grack read the proclamation in which it was urged that the people of Rockville recognize and participate in this special observance. Lisa Taylor, President of the Rockville Chamber of Commerce, was present to receive the proclamation.

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Re: Proclamation: Historic
Preservation Week
May 10 - 16, 1987

There being no objection from the Council, Mayor Van Grack proceeded to issue a proclamation that proclaimed May 10 through May 16, 1987 as Historic Preservation Week. Mayor Van Grack read the proclamation and called upon the citizens to recognize and participate in this special observance. Bob Weirich, President of Peerless Rockville, accepted the proclamation on behalf of the organization and provided information to those present regarding celebrations scheduled for the week. Mr. Weirich noted that Peerless Rockville is receiving a State award for its preservation efforts with the Montrose School House.

Re: Report from
Participants of the
Rockville Student
Government Days

Rusty Wallace of the Department of Community Services provided an overview of the Student Government Days activities this year and introduced the students who had participated in the program. The students were divided into three groups. Each group studying a different issue. The first group dealt with the issue of youth gatherings at Ritchie Park Shopping Center, due to the open lunch policy at Richard Montgomery High School. A report on the study of this topic by the students was provided by June Hong, City Manager. The second group studied the City's "Rockville Say No To Drugs" campaign and identified ways for improving and continuing the program. Scott Palmer, who served as City Manager with this group, presented the group's report to the Mayor and Council. The third group was constituted as the Mayor and Council and studied the issue of ways to improve Maryland's Student Driver Education Program. Jennifer Johnson, who served as Mayor of this group, and Jordan Whiley, who served as a Councilmember, presented the results of the study. At the closing of the presentations, Mayor Van Grack presented the young people with certificates and tokens of recognition from the

City. The following students took part in the program:

June Hong, Todd Green, Eun-Kyu (Tom), Katie Baur, Michael Yared, Felton Armstrong, Jr., Susie Glack, Thurlow Carey, Marie Kasparian, Jason Burke, Scott Palmer, David Cosenza, Jordan Whiley, Esther Lim, Talar Keshishian, Rachelle Nashman, and Jennifer Johnson.

Re: Citizen's Forum

1. Lisa Taylor, President of Rockville Chamber of Commerce, presented the Chamber's new Community Guide to the Mayor and Council. The Guide celebrates the the Chambers thirtieth anniversary.

2. Richard Arkin, 525 Lynch Street, expressed his pleasure that the proposed M.E.L. agreement is out for review and stated that he hopes the Planning Commission will have an opportunity to comment on the proposed agreement. In addition, Mr. Arkin noted that the Maryland Citizen Planners Association held its annual meeting last weekend and that he was elected President of the association for the upcoming year.

3. William Meyer, 804 Leverton Road, thanked the Mayor and Council for Rockville Day. In addition, Mr. Meyer addressed the Student Government Days group that dealt with the issue of open lunch at Richard Montgomery High School. He suggested that the report by the students be sent to the Hungerford/Stoneridge Civic Association for its information.

4. Sima Osdoby, 2 Stevenage Circle, congratulated the Mayor and Council for changes in the election law they will be making this evening and expressed her pleasure to be a part of the Elections Task Force. Ms. Osdoby also stated that she hopes in the future that the proposed budget will be available more widely prior to the public hearing. In response, Councilman Abrams announced that a second public hearing on the proposed fiscal year 1988 budget will be held on May 26, 1987.

Re: Consent Agenda

On motion of Councilman Duncan, duly seconded, the consent agenda was passed unanimously.

Re: Approval of Storm Water
Management Waiver
#15-87, Rockville Metro
Center Phase II, 38
Courthouse Square
(U-376-86)

This approximately 5 acre parcel of land located in the Cabin John Creek drainage area is the site of the former Rockville Mall. The site is currently improved by a multi-story building and parking garage.

The renovation of the existing building will result in 0.42 acres of new imperviousness. There are not any practical locations for on-site SWM. All possible locations for on-site SWM are in such close proximity to the existing structure that there could be a potential for water damage to the structure. Therefore, on-site SWM is not recommended in this instance.

Runoff from this site is picked up by storm drain inlets in Courthouse Square and Monroe Street. It is then conveyed by enclosed storm drains to a tributary of Cabin John Creek, and is then conveyed to the Mount Vernon SWM Facility. The Mount Vernon SWM Facility has storage capacity for the additional runoff.

It is recommended that a waiver be granted and that a contribution of \$8,400.00 (0.42 impervious acres at \$20,000.00 per acre) be accepted for the City's off-site SWM program.

Re: Rejection of Bid #67-87
due to technical error
in specifications rebid
for spring planting of
trees.

Invitation for Bid #67-87 for providing and planting trees contained an error in specifications in permitting the bidder to list substitutions when, in fact, it was not intended to permit substitutions on several of the varieties.

Two bids were received, the low of which offered a substitute for one of the varieties for which no substitutions were acceptable.

The other bidder, being aware of our refusal to allow substitutes on that variety, Whitehouse Pear, bid accordingly.

In fairness to the two bidders, it is recommended that the bids be rejected due to a technical error in the specifications, that the specifications be corrected, and a new invitation issued.

Re: Award of Bid #58-87
Paint Striping Machine

Bids were opened on Monday, May 4, for Bid #58-87, the furnishing of a truck-mounted paint striping machine. The purpose of this new machine is to improve the City's ability to paint and maintain "long line" traffic markings, while reducing overall costs of marking. Previously, long line marking was performed by annual contract. Two primary factors have served to make in-house striping more cost-effective. These are:

- . the recent appearance on the market of mid-sized self-contained striping machines that are capable of operating at highway speeds and applying heated paints.
- . continuing increases in traffic striping demand, in terms of total miles per year painted.

Having our own equipment will allow immediate response when streets need to be restriped, thereby reducing our exposure to liability. This enhanced service cannot be provided by a contractor.

Although we know of only three manufacturers who make the type of machine specified, we sent out eleven bid proposals to various manufacturers and distributors. Two bids were received:

<u>Bidder</u>	<u>Bid Amount</u>	<u>Make/Model</u>
Mid-Atlantic Safety Co., Fredericksburg, VA	\$26,030.00	Prismo "Hot Pump"
Coastal Striping Corp., Woodbrige, VA	\$39,881.88	Unimasco "SMVP"
Engineer's Estimate	\$23,500.00	

The difference between the low bid and the Engineer's estimate reflects a recent 15% price increase by the equipment manufacturer, Prismo Universal of Parsippany, New Jersey. Both of the machines noted above meet our specifications.

In addition to the basic machine, the bid total includes a paint heating system, air-powered paint agitators, electronic skipline system and digital distance counter, handgun assembly (for painting tight circles, etc.), and three days of on-the-job training for City personnel. The price does not include the basic truck, which the City has already reserved for permanent use with the new striping machine.

A small supply of traffic paint was an optional bid item. The low bidder on the paint was also Mid-Atlantic safety at a total cost of \$1,511.00. Our Purchasing Division will check the respective unit prices against the market to make sure they are competitive. If so, the option will be exercised. All future paint purchases would be via our normal competitive bidding procedures.

At this time, total funding budgeted for purchasing this equipment is \$25,000. End-of-year funds are available in the traffic/lighting budget to cover the total \$2,500.00 shortfall.

It is recommended that Bid #58-87 be awarded to Mid-Atlantic Safety Company for its low bid of \$26,030.00.

Re: Public Hearing:
Intent to Raise the Tax
Rate above the Constant
Yield

Re: Public Hearing:
Proposed Operating
Budget, Capital
Improvements Program
and use of Federal
Revenue Sharing Funds

The Mayor and Council conducted a combined public hearing on the Intent to Raise Tax Rate above the Constant Yield and on the Proposed Operating Budget and Capital Improvements Program and Use of Federal Revenue Sharing Funds, and heard those persons as will be found in the official stenographic transcript of the hearing. The hearing is to be continued on Tuesday, May 26, 1987, at 8:00 p.m.

Mayor Van Grack read the following statement prior to receiving testimony on the public hearings:

"We are now ready to begin the combined public hearings on the Proposed Operating Budget for Fiscal Year 1988, Proposed Capital Improvements Program for Fiscal Year 1988 through 1993, the use of General Revenue Sharing Funds and the Intention to Raise the Tax Rate above the Constant Yield Tax Rate.

This public hearing and the one to be held at 8:00 p.m. on May 26, 1987, satisfies the City's public hearing requirements on the Budget; the Federal requirements on the Intention to Increase the Property Tax Rate for the fiscal year beginning July 1, 1987, above the Constant Yield Tax Rate. The Constant Yield Tax Rate is eighty-one cents per \$100 of assessed valuation. The City Manager's Budget proposed a rate of Eighty-seven cents per \$100 of assessed valuation.

The public hearing will be continued on Tuesday, May 26, 1987, at 8:00 p.m. in the Council Chamber, Rockville City Hall. The Mayor and council will set the tax rate on Monday, June 8, 1987, at 9:00 p.m. in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street."

Re: Adoption of
Resolution to Authorize
the Housing Authority
of the City of
Rockville to Submit an
Application and
Administer a Section 8
Existing Housing
Voucher Program.

Resolution No. 9-87

On motion of Councilman Hartogensis, duly seconded, and unanimously passed, Resolution No. 9-87, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, authorizing the City of Rockville to submit an application and Administer a Section 8 Existing Housing Voucher Program was adopted by the Mayor and Council.

Councilman Hartogensis stated that he is delighted that the Rockville Housing Authority is going to undertake this project.

Re: Adoption of Ordinance
to Grant Text Amendment
Application T-82-86,
City of Rockville,
Planning Commission,
Applicant

Ordinance No. 6-87

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 6-87, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, to Grant Text Amendment Application, T-82-86, City of Rockville, Planning Commission, Applicant, was adopted by the Mayor and Council.

Re: Preliminary Review and
Referral of Text
Amendment Application,
T-84-87, Peter
Glassman, DVM,
Applicant

On motion of Councilman Hartogensis, duly seconded, Text Amendment Application T-84-87, Peter Glassman, DVM, Applicant was referred to the Planning Commission by unanimous vote.

Councilman Abrams asked that this item be brought back to the Mayor and Council along with T-82-87, relating to the PetVax Veterinary Clinics. Mayor Van Grack noted that the two Text Amendments were not related and it would not be appropriate to discuss them in that way. He asked the City Manager to ask staff to handle this text amendment fairly quickly, as it appears to be a straight forward request. Councilman Abrams concurred, noting that items such as this text amendment are more people oriented than some of the larger projects under review by the Planning Department and they are the ones who support small businesses. Councilman Duncan expressed his agreement with a sentiment and encouraged that the text amendment be considered on a fairly short time table. City Manager Richard Robinson noted that staff time may not be available to handle this item quickly, as much of staffs time is involved in other projects, such as the Rockville Pike Plan. Councilman Coyle suggested that the City look at other jurisdictions where the time required to handle a given project triggers the need for additional staff. Councilman Hartogensis suggested that care be taken when reviewing text amendments and other items where existing City laws are being revised.

Re: Adoption of Resolution of the Mayor and Council of Rockville, adopted pursuant to Article XI-E of the Constitution of Maryland, Section 13 of Article 23A of the Annotated Code of Maryland, and the Carter of the City of Rockville, to amend Sections 1 and 2 of Article II of the Charter of the City of Rockville so as to provide that the Council hold a meeting thirteen days after its election; and to delete the age requirements for members of the Mayor and Council.

Resolution No. 10-87

On motion of Councilman Abrams, duly seconded, Resolution No. 10-87, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, so as to provide that the Council hold a meeting thirteen days after its election; and to delete the age requirements for members of the Mayor and Council, was unanimously passed.

Councilman Duncan expressed thanks to both the Administrative Assistant to the City Manager Terri Auchter and City Attorney Paul Glasgow, on behalf of the Elections Task Force for their efforts in the election reform. He stated that the City is making tremendous strides with this legislation, and is proud to have been a member of the Task Force.

Re: Adoption of Resolution of the Mayor and Council of Rockville, adopted pursuant to Article XI-E of the Constitution of Maryland, Section 13, of Article 23A of the Annotated Code of Maryland, and the Charter of the City of Rockville, to amend Sections 1,2,3,5 and 7 of Article III of the Charter of the City of Rockville, so as to provide that members of the United States Uniformed Services are eligible to vote in City elections; to increase the number of members of the Board of Supervisors of Elections; to provide that nomination petitions be filed forty-five, rather than thirty, days before an election; to clarify the requirement for qualifications as a candidate for ballot purposes; to provide that vacancies occurring on the Council within the first twelve months of the term be filled by special election; and to delete the penalty provisions.

Resolution No. 11-87

On motion of Councilman Hartogensis, duly seconded, Resolution No. 11-87, the full text of which can be found in Resolution Book. No. 8 of the Mayor and Council, so as to provide that members of the United States Uniformed Services are eligible to vote in City Elections; to increase the number of members of the Board of Supervisors of Elections; to provide that nomination petitions be filed forty-five, rather than thirty, days before an election; to clarify the requirements for qualifications as a candidate for ballot purposes, to provide that vacancies occurring on the Council within the first twelve months of the term be filled by special election; and to delete the penalty provisions was unanimously adopted by the Mayor and Council.

Re: Adoption of Ordinance to repeal Chapter 4, Section 4-100 through 1.10 entitled "Elections" of the "Laws of Rockville" and to enact a new Chapter 4, Section 4-1 through Section 4-83 entitled "Elections" of the "Laws of Rockville" to provide definitions for use in connection with the ordinance; to establish election districts; to provide for the administration of the ordinance; to provide for voter registration and preservation of ballots; to provide for general elections, special elections and advisory referenda; to provide for the conduct of elections including, but not limited to, absentee voting, election judges, voter assistance, and electioneering; to establish fair election practices regulating campaign financing to include the appointment of treasurers; to provide provisions for candidates joining slates and designating political committees; to establish a provision governing campaign depositories and petty cash funds; to provide for receipts of the treasurer; to regulate contribution and expenses of candidates including loans; to provide for contributions and expenses of persons not candidates; to regulate payment for walk-around services on election day; to require election reports to be filed by candidates, treasurers and committee chairman, and to provide forms for the reporting of contributions and expenditures and receipts and disbursements; to establish requirements for election reports and statements and the preservation of reports statements and accounts; to prohibit certain campaign practices; to establish requirements concerning advertising and the retention of samples of political matter published or distributed; to provide for remedies for violation of the ordinance; and in general, to establish provisions governing the entire election process in the City of Rockville.

Ordinance No. 7-87

In response to a question from the Mayor and Council regarding when the new reporting forms required by the ordinance will be ready, City Clerk Carol A. Kachadoorian advised that the forms would not be ready before July 1, 1987. It was noted by the City Attorney that with the availability of the forms on July 1, 1987, the first financial report by candidates would be due on August 1, 1987.

On motion of Councilman Duncan, duly seconded, Section 4-61 (j) of the ordinance was amended so as to make the new reporting forms retroactive to the day after the last financial report was filed. All other amendments proposed by the City Attorney Paul Glasgow, with respect to the definition of a political party, a non partisan election and the carry over of funds, were moved by Councilman Hartogensis duly seconded and passed unanimously.

On motion of Councilman Duncan, duly seconded, the ordinance was adopted unanimously as amended.

Mayor Van Grack noted that the City has just revised its election process unanimously in a way that benefits the people of the City. Councilman Abrams noted that the task force had performed admirably. Councilman Abrams stated that the City has made some improvements to the reporting process for elections, as much as the reporting is now required prior to the election itself, and further stated that the City has institutionalized some existing good practices and hopes that voters can now focus on more substantive issues before the City.

Re: Other Business

The following was brought up under Other Business:

1. Councilman Abrams asked that the Mayor and Council be advised of standards for basketball courts in City rights-of-way. Councilman Abrams stated that he is aware of a memorandum from the Director of Recreation and Parks that identifies a "list of associated problems" with the placement of basketball courts in the rights-of-way and would like his memorandum made available to the Mayor and Council so that they may considered the issue.

2. Councilman Abrams suggested that Justine Swope, the student from College Gardens Elementary School who won an essay contest on the Bicentennial of the Constitution, be asked to participate in the City's Memorial Day parade activities and to read his essay at the ceremonies. The Mayor and Council concurred with this suggestion.

3. Councilman Abrams suggested that a staff person attend the Montgomery County Public School Board Work Session, to be held on Tuesday, May 12, 1987, so that additional information may be provided to the Mayor and Council for the testimony that they will present. The Mayor and Council concurred with this suggestion.

4. Councilman Coyle asked if the City has received any word from the State Highway Administration on the noise barriers on I-270. City Manager Richard Robinson noted that there has not been any final word received yet.

5. Councilman Duncan asked if information on employee contracts is ready for discussion by the Mayor and Council. City Manager Richard Robinson responded that the information will be available in another week.

Re: Executive Session

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the meeting was closed for executive session to consult with Council.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 12:10 a.m.